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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO

DIVISION OF  
OIL, GAS AND MINING

*m/023/007*

In re:	)	
	)	Case No. 01-23068-EEB
NORTH LILY MINING COMPANY, a Utah	)	
corporation,	)	Chapter 11
EIN: 87-0159350	)	
	)	<b>Motion Control Number KMK-15</b>
Debtor.	)	
	)	
	)	Case No. 01-23069-DEC
	)	
XERES TINTIC, LLC,	)	Chapter 11
EIN: 84-1528808	)	
	)	Jointly Administered Under
Debtor.	)	Case No. 23068-EEB

**MOTION TO SET HEARING ON THE ADEQUACY OF DEBTORS'  
FIRST AMENDED JOINT DISCLOSURE STATEMENT TO ACCOMPANY  
FIRST AMENDED PLAN OF REORGANIZATION DATED JANUARY 4, 2002**

The Debtors, North Lily Mining Company and Xeres Tintic, LLC (collectively the "Debtors"), by and through their attorneys, Kutner Miller Kearns, P.C., moves the Court pursuant to 11 U.S.C. Section 1125, for entry of an Order setting a hearing on the adequacy of the Debtors' First Amended Joint Disclosure Statement to Accompany First Amended Plan of Reorganization Dated January 4, 2002, and as grounds therefor state as follows:

1. The Debtors filed their Voluntary Petitions under Chapter 11 of the Bankruptcy Code on September 6, 2001. The Debtors remain Debtors-in-Possession.
2. On February 4, 2002, the Debtors filed their First Amended Plan of Reorganization dated January 4, 2002 and their Joint Disclosure Statement to Accompany First Amended Plan of Reorganization dated January 4, 2002.
3. On February 25, 2002, the Court issued an Order requiring the Debtors to file with the Court by April 1, 2002 a request for a hearing along with a statement that either the U.S. Trustee had no

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objections to the Disclosure Statement, or that the Debtors have filed an amended Disclosure Statement resolving the U.S. Trustee's concerns.

4. On or about March 12, 2002, the United States Trustee filed its objection to the adequacy of the Debtors' Disclosure Statement.

5. On April 1, 2002, the Debtors filed a request for a three day extension to file its amended Disclosure Statement, up to and including April 4, 2002.

6. On April 4, 2002, the Debtors filed their First Amended Joint Disclosure Statement to Accompany First Amended Plan of Reorganization Dated January 4, 2002 ("Amended Disclosure Statement").

7. The Debtors believe that the Amended Disclosure Statement should resolve the U.S. Trustee's concerns and that any remaining issues can be resolved in the context of a disclosure statement hearing.


8. Based on the foregoing, the Debtors request that the Court set a date for a hearing on the adequacy of the Debtors' Amended Disclosure Statement.

WHEREFORE, the Debtors pray that the Court set a hearing to determine the adequacy of the Debtors' First Amended Joint Disclosure Statement to Accompany First Amended Plan of Reorganization Dated January 4, 2002, on notice to creditors with opportunity to object, and for such further and additional relief as to the Court appears proper.

Dated: April 4, 2002

Respectfully submitted,

By: \_\_\_\_\_



Lee M. Kutner, #10966

Jenny M.F. Fujii #30091

KUTNER MILLER KEARNS, P.C.

303 E. 17th Avenue, Suite 500

Denver, CO 80203

Telephone: (303) 832-2400

Facsimile: (303) 832-1510

email: jmf@kutnerlaw.com

AFFIDAVIT OF SERVICE

I do hereby certify that on this 4th day of April, 2002, I deposited a true and correct copy of the foregoing **MOTION TO SET HEARING ON THE ADEQUACY OF DEBTORS' FIRST AMENDED JOINT DISCLOSURE STATEMENT TO ACCOMPANY FIRST AMENDED PLAN OF REORGANIZATION DATED JANUARY 4, 2002** in the United States Mail, postage prepaid and addressed as follows:

Ronald C. Tucker, Esq.  
Laff, Stein, Campbell, Tucker & Delaney, LLP  
7730 East Belleview Avenue  
Suite 204  
Greenwood Village, CO 80111-2616

Mark R. Gordon, Esq.  
Holme, Roberts & Owen, LLP  
1700 Lincoln Street, Suite 4100  
Denver, CO 80203

United States Trustee  
721 - 19<sup>th</sup> Street  
Suite 408  
Denver, CO 80202

Andrew DiBattista  
50 Compass Lane  
Fort Lauderdale, FL 33308

B.L. Bermn  
2111 South Zephyr  
Lakewood, CO 80227

Gregg Weeder  
8823 South Nightingale Way  
Highlands Ranch, CO 80126

Evan Wassoff  
Wheeler Wassoff  
1601 Blake Street, Suite 525  
Denver, CO 80202

Scott Simkins  
1200 Renegade Court  
Suite C  
Fort Collins, CO 80524

Chase Management and Company  
c/o Nick DeMare  
1090 West George Street  
Suite 1305  
Vancouver, BC V6E 3V7  
Canada

Commissioner of Securities of the State of  
Colorado  
1580 Lincoln Street #420  
Denver, CO 80203

Securities and Exchange Commission  
1801 California #4800  
Denver, CO 80202-2648

State of Utah  
Department of Environmental Quality  
Division of Water Quality  
288 North 1460 West  
Salt Lake City, UT 84114

State of Utah  
Department of Natural Resources  
Division of Oil, Gas, Mining  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, UT 84114

Mark T. Young, Esq.  
15910 Ventura Boulevard  
Suite 1650  
Encino, CA 91436-2802

